

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CV-521-FL

ARTHUR DONALD DARBY, JR.,

Plaintiff,

v.

ARTHUR DARBY, SR., and NC DHHS -
DIVISION OF SOCIAL SERVICES CHILD
SUPPORT ENFORCEMENT

Defendants.

ORDER

This matter is before the court on the memorandum and recommendation (“M&R”) of Magistrate Judge James E. Gates, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that the court dismiss plaintiff’s complaint on frivolity review under 28 U.S.C. § 1915(e)(2)(B). Plaintiff did not object to the M&R. The magistrate judge determined that plaintiff’s action must be dismissed because the federal statute upon which plaintiff seeks relief, 18 U.S.C. § 228, does not create a private right of action, and because plaintiff’s claim as an adult for child support payments is frivolous. In addition, this court lacks jurisdiction over state law claims for child support. Upon careful review of the M&R and the record generally, finding no error in this determination, the court ADOPTS the findings and recommendations of the magistrate judge. This action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk is directed to close this case.

SO ORDERED, this the 31st day of October, 2016.


LOUISE W. FLANAGAN
United States District Judge